

## The Gazette



## of India

PUBLISHED BY AUTHORITY

No. 49] NEW DELHI, SATURDAY, DECEMBER 5, 1959/AGRAHAYANA 14, 1881

## NOTICE

The undermentioned *Gazettes of India Extraordinary* were published upto the 27th November:

Issue No.	No. and date	Issued by	Subject
124	No. 111-ITC(PN)/59, dated 21st November, 1959.	Ministry of Commerce and Industry.	Import of Coaltar dyes, textile chemicals etc., against exports of cotton textiles, yarn and handloom goods.
	No. 15/59, dated 21st November, 1959.	Do.	Cancellation of O.G.L. No. LIX, published as Order No. 15/59, dated 30th September, 1959.
125	No. 112-ITC(PN)/59, dated 23rd November, 1959.	Do.	Scheduled Industries borne on the registers of the Development Wing—Issue of "repeat" licences for raw materials for selected industries during October, 1959—March, 1960 licensing period.
	No. 113-ITC(PN)/59, dated 23rd November, 1959.	Do.	Classification of chains of $\frac{1}{4}'' \times \frac{5}{16}''$ size with the roller diameters of 0.304'', 0.306'' and 0.307'' whether in cut-to-length sizes or in rolls—for ITC purposes.
126	No. PS-45(112)/57, dated 25th November, 1959.	Do.	Recommendations of the Tariff Commission regarding charging of interest on the advances granted by the Government of India to the Indian Iron and Steel Co. Ltd. Calcutta.
127	No. 8(I)-T.R./59, dated 26th November, 1959.	Do.	Reducing duties of customs on articles etc.—specified therein.
	No. 12(1)-T.R./59, dated 26th November, 1959.	Do.	Reducing duties of customs on articles etc.—specified therein.
	No. 8(1)-T.R./59, dated 26th November, 1959.	Do.	Government's acceptance of the recommendation made by the Tariff Commission regarding continuance of protection to the Hydroquinone Industry.
	No. 12(1)-T.R./59, dated 26th November, 1959.	Do.	Government's acceptance of the recommendation made by the Tariff Commission regarding continuance of protection to the Sago Industry.
	No. 16(1)-T.R./59, dated 26th November, 1959.	Do.	Government's acceptance of the recommendation made by the Tariff Commission regarding continuance of protection to the Grinding Wheels Industry.
128	No. 21(3)-T.R./59, dated 27th November, 1959.	Do.	Government's acceptance of the recommendation made by the Tariff Commission regarding continuance of protection to the Automobile Leaf Spring Industry.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on Indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these *Gazettes*.

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## PART I—Section 1

Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court

## PRESIDENT'S SECRETARIAT

New Delhi, the 30th November 1959

No. 62-Pres./59.—The President is pleased to award the Police Medal for gallantry to the undermentioned officer of the Uttar Pradesh Police:—

*Name of the officer and rank*

Shri Ram Chander Singh, Constable No. 7964, VI Battalion, P.A.C., Roorkee, Uttar Pradesh

*Statement of services for which the decoration has been awarded.*

On the 12th February 1957, at about mid-day, the Superintendent of Police, Bulandshahr, received information that dacoit Pyare Singh, the ruthless and trusted lieutenant of notorious dacoit Jahan Singh, and some of his associates would assemble in a hut near village Nagaria, P. C. Jewar, to finalize a plan to commit a dacoity that night.

A police informer was sent in advance to join the gang in order to keep the dacoits engaged in conversation holding out hopes that a few more of his associates would be joining them. A second informer followed with instructions to join the gang with three others at a convenient distance from the hut. Constable Ram Chander Singh volunteered to accompany this party while the main body of the police force took up positions on three sides of the hut and about two furlongs from it.

Constable Ram Chander Singh wearing plain clothes and carrying his loaded rifle, went to the hut with the informer's party and was introduced to Pyare Singh and the other dacoits as a deserter from the army. They then set about preparing a plan to commit dacoity in village Jahangirpur some three miles away. For some reason however Pyare Singh grew suspicious of Constable Ram Chander Singh and when the latter hesitated on demand to show him his rifle, Pyare Singh shouting that the Constable appeared to be an informer, whipped out his pistol and aimed it at Constable Ram Chander Singh who jerked the dacoit's arm aside so deflecting the shot which narrowly missed him. The second informer then fired at Pyare Singh who fell down. As he was about to rise again Constable Ram Chander Singh shot him dead. The main police force hearing the shots quickly came up and captured three other dacoits before they could get away.

The liquidation of notorious dacoit Pyare Singh and apprehension of three members of his gang was a severe blow to Jahan Singh and his associates.

In this encounter Constable Ram Chander Singh showed presence of mind, great courage and devotion to duty of a high order.

2 This award is made for gallantry under rule 4(i) of the Rules governing the award of the Police Medal and consequently carries with it the special allowance admissible to officers of and below the rank of Inspector of Police as provided in Rule 5.

No. 63-Pres./59.—The President is pleased to award the Police Medal for gallantry to the undermentioned officer of the Madhya Pradesh Police:—

*Name of the officer and rank*

Shri Ram Narain Lahri, Sub Inspector of Police, Shivpuri District, Madhya Pradesh

*Statement of Services for which the Decoration has been awarded*

A Forest Contractor who had informed the Police that notorious dacoit Pritam Gujar had moved from Morena to Shivpuri district was waylaid by the dacoit who demanded from him a sum of Rs. 4,000.

Learning that Pritam Gujar would come for the money on the 4th April 1959, Sub Inspector Ram Narain Lahri with a small posse of 3 Sub Inspectors and 6 Constables dressed in mufti proceeded to the rendezvous with the Forest Contractor's servants in a truck. When the truck stopped at the appointed place dacoit Pritam Gujar sent one of his men to receive the money. The messenger was told to inform the dacoit that as the Contractor had no confidence in his servants he had sent his own *munim* to deliver the money personally to him and that the dacoit should either come to the truck to take the money himself or permit the *munim* to deliver it to him. The messenger returned with Pritam Gujar's permission for the *munim* to hand the money over on condition that another servant of the Contractor in whom he had confidence should accompany the *munim*.

Sub Inspector Lahri, dressed as the *munim*, and the two servants of the Contractor then went towards the dacoit. When a certain distance from him they were challenged by the dacoit who kept his gun levelled at them and asked them to advance and put the money on a rock and then leave at once.

The dacoit's attitude was most menacing but despite the grave risk Sub-Inspector Lahri felt that the opportunity was too good to lose and that some way of apprehending the dacoit might be found if he could parley with him. He accordingly informed the dacoit that his master had sent only Rs. 2,500 and begged for remission of the balance of Rs. 1,500. This intimidated the dacoit who threatened to kill him and the servants, but on the intervention of one of them the dacoit permitted the party to sit down to explain the position to him; all the while keeping his gun pointed at Sub-Inspector Lahri. During the ensuing conversation one of the Contractor's servants sought permission to light a 'bidi' and also offered one to the dacoit. As soon as the dacoit had accepted it had taken his hand off the trigger of his gun to smoke the 'bidi' Sub-Inspector Lahri leapt on him. A fierce struggle took place. The Sub-Inspector fired a shot from his revolver but missed the dacoit. Meanwhile, the remainder of the police force rushed to the spot and fired a light pistol to illuminate the area. The dacoit managed to free himself from the grip of the Sub-Inspector and fired a shot at him, but fortunately missed. Sub-Inspector Lahri then fired again and killed the dacoit.

Throughout this encounter Sub-Inspector Shri Ram Narain Lahri showed gallantry, presence of mind and devotion to duty of a high order.

2. This award is made for gallantry under Rule 4 (i) of the Rules governing the award of the Police Medal and consequently carries with it the special allowance admissible to officers of and below the rank of Inspector of Police as provided in Rule 5.

A. V. PAI, Secy.

#### MINISTRY OF COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Community Development)

##### RESOLUTION

New Delhi, the 28th November 1959

No. 21/128/59-TL.—The first meeting of the Advisory Board for the Central Institute of Study & Research in Community Development, Mussoorie held on 15th & 16th October, 1959 recommended that two Sub-Committees of the Advisory Board should be constituted, dealing with Research and Orientation Training respectively. The Ministry have accepted the recommendation and have decided to set up with immediate effect two Sub-Committees consisting of non-officials and officials to advise the Central Institute of Study & Research in Community Development on research and orientation training respectively.

The composition of the two Sub-Committees will be as follows:—

##### I. Research Sub-Committee:

1. Shri S. N. Mozumdar, I.C.S. (Retd.)—Chairman.
2. Shri H. C. Mathur, M.P.
3. Dr. B. N. Ganguly.
4. Professor D. Ghosh.
5. Dr. M. N. Srinivas.

##### II. Orientation Training Sub-Committee:

1. Shri N. R. Malkani, M.P.—Chairman.
2. Professor V. K. N. Manon.
3. Dr. S. C. Dube.
4. Shri Ashfaq Hussain.
5. Shri B. Mukherji, I.C.S.
6. Shri K. Balachandran, I.C.S.

##### ORDER

Ordered that a copy of the Resolution be communicated to—

- (a) All Members of the Sub-Committees,
- (b) Principal, Central Institute of Study & Research in Community Development, Mussoorie,
- (c) Department of Parliamentary Affairs,
- (d) All Ministries etc. of the Government of India.

Ordered also that the Resolution be published in the Gazette of India for general information.

K. BALACHANDRAN, Jt. Secy.

#### SUPREME COURT OF INDIA

New Delhi, the 27th November 1959

No. F.22/60-SCA(G).—In pursuance of Rule 5 of Order II of the Supreme Court Rules, 1950 (as amended) it is hereby

notified that the following days will be observed as Court holidays during the year 1960.

Name of holidays	Month and Date	Day of the week	No. of days.
Republic Day	26th January	Tuesday	1
Shivratri	25th February	Thursday	1
Holi	12th & 13th March	Saturday & Sunday	2
Id-ul-Fitr	29th March	Tuesday	1
Ram Naumi	5th April	Tuesday	1
Baisakhi	13th April	Wednesday	1
Good Friday	15th April	Friday	1
Budha Purnima	11th May	Wednesday	1
Id-uz-Zuha	5th June	Sunday	1
Muharram	5th July	Tuesday	1
Janam Ashtami	14th August	Sunday	1
Independence Day	15th August	Monday	1
Miladun-Nabi	4th September	Sunday	1
Dussehra	28th, 29th & 30th September	Wednesday, Thursday, & Friday	3
Mahatama Gandhi's Birthday	2nd October	Sunday	1
Diwali	20th & 21st October	Thursday & Friday	2
Guru Nanak's Birthday	3rd November	Thursday	1
Christmas Holidays	19th to 30th December (both days inclusive)	..	12

By order of the Court  
ARINDAM DUTT,  
Registrar.

#### MINISTRY OF STEEL, MINES & FUEL

(Department of Iron and Steel)

##### ORDER

New Delhi, the 1st December 1959

No. SC(A)-24(24)/59.—In pursuance of Resolution No. SC(A)-4(193)/59, dated the 5th November, 1959, the Government of India hereby directs that the following amendments shall be made to the Order regarding appointment of the members to the Iron and Steel Advisory Council, No. SC(A)-4(493)/59, dated the 10th November, 1959, namely:—

(i) for the existing entry No. (28),

read "28. Rear Admiral T. B. Bosc, Chief Surveyor with the Government of India, Directorate General of Shipping, 'Commerce House', Balfour Estate, Bombay-1."

(ii) for the existing entry No. (18),

read "Shri P. L. Master, President, Steel Importers Association of India, India Exchange, India Exchange Place, Calcutta-1."

J. S. BAIJAL, Under Secy.

#### MINISTRY OF COMMERCE & INDUSTRY

##### RESOLUTION

##### PAPER PRICES

New Delhi, the 27th November 1959

No. CH.(1)-41(79)/59.—With the introduction of a restrictive import policy Government received complaints about the unduly high prices charged by wholesale merchants and retail dealers of paper. In order, therefore to safeguard the interests of the consumers, the Government of India, after discussions with the paper manufacturers and their Associations, decided to refer the question of fair prices of paper to the Tariff Commission. On 1st September, 1958 the Tariff Commission was requested:

- (a) to enquire into the fair ex-works prices and fair selling prices (ex-mill as also at various destinations) for different varieties of paper manufactured indigenously;

- (b) to make recommendations regarding fair prices which should be charged by wholesalers and retailers of paper so as to ensure that customers get a fair deal; and
- (c) to examine the differentials that were determined by the Tariff Board in 1948 in the light of the present circumstances.

Paper, Pulp boards and the following special varieties of paper were specifically included in the scope of the inquiry.

- (i) Art paper and art boards,
- (ii) Chromo paper and chromo boards,
- (iii) Poster paper,
- (iv) Blue match paper.

The following varieties of paper and boards were, however, excluded as there had been no complaints about their prices:

- (i) Cigarette paper and other tissue papers,
- (ii) Newsprint,
- (iii) Straw boards,
- (iv) Corrugated boards,
- (v) Mill boards.

2. The Commission, on conclusion of its enquiry, has submitted its report. The main recommendations of the Commission are as follows:

- (1) The fair ex-works prices of papers and boards which do not include selling expenses, freight or selling commission and which are applicable in accordance with existing practice to Government purchases and the fair selling prices of papers and paper boards inclusive of freight to all destinations in the country and selling commission, but exclusive of excise duty, State Government or local levies should be fixed as below:—

Type of Paper	Fair-ex-Works price nP per lb. (applicable to Government purchasers)	Fair selling price—nP per lb.	
1. White printing paper	57.0	68.0	
2. Unbleached printing	54.0	64.0	
3. Offset/cartridge	57.0	68.0	
4. Antique laid/wove	57.0	68.0	
5. Cream laid/wove	60.0	71.0	
6. Imitation Art	57.0	68.0	Inclusive of super calendering charges.
7. Art Paper	89.0	102.0	
8. Chromo paper	77.0	90.0	
9. Ledger paper :			
(a) Account Book Paper	57.0	68.0	Inclusive of super calendering charges.
(b) Azure laid	60.0	71.0	Inclusive of charges for colouring.
10. Banks and Bonds	65.0	77.0	
11. Typewriting	69.0	80.0	Inclusive of charges for light weight and guillotine cutting.
12. Manifold air mail	86.0	99.0	
13. Duplicating	57.0	68.0	Inclusive of charges for guillotine cutting.
14. Poster Paper	57.0	68.0	
15. Kraft	52.0	62.0	Inclusive of charges for colouring.
16. Wrapper	51.0	61.0	
17. Cover Paper	57.0	68.0	
18. Match Paper	55.0	65.0	
19. Blotting Paper	63.0	74.0	
20. Pulp Board	57.0	68.0	
21. Duplex Board	57.0	68.0	
22. Ticket Board and Triplex Board.	56.0	67.0	Inclusive of charges for colouring.
23. Art Board	83.0	96.0	
24. Chromo Board	72.0	83.0	

These prices will be applicable to all sales effected by wholesalers, distributors in lots of 500 lbs. and above. No resale commission may be charged by wholesalers/distributors to retailers (dealers) and paper merchants or consumers. A commission of 5 per cent of the fair selling prices may be charged by retailers (dealers) and paper merchants for sale to consumers in 1csm lots and up to 500 lbs. This Commission should be calculated on fair selling prices not including excise duty, State Government or local levies.

- (2) Extra charges may be added to fair selling prices for light weight, super-calendering, colouring and rag content as below:

(i) Light weight.

(a)(i) Printing and writing paper 50 gm and above . . . . . Normal price

(u) Below 50 gm . . . . . 6 nP per lb.

(b) Poster and kraft paper.

50 gm and above . . . . . Normal price

40 to 50 gm . . . . . 3 nP per lb.

Below 40 gm. . . . . 5 nP per lb.

(ii) Super calendering . . . . . 2 nP per lb.

(iii) Colouring (applicable only to deep colouring and not tinted and toned paper) . . . . . 3 nP per lb.

(iv) Rag content.

The base price of special varieties of paper like Banks and Bonds, ledger paper, typewriting and manifold/airmail in which rag content is generally prevalent has been worked out after including in the cost of finished product the cost of rags up to 10%. Extra allowance for additional rag content is recommended as under:

(a) 11 to 25 % . . . . . 3 nP per lb.

(b) 26 to 50 % . . . . . 10 nP per lb.

(c) above 50 % . . . . . By negotiation between the purchaser and the manufacturers.

A rebate of 2 nP per lb. has been recommended for supply in reels.

(3) The demand for paper and paper board excluding newsprint and strawboard during 1960, 1961, 1962 and 1963 is likely to be of the order of 350,000 tons 400,000 tons, 460,000 tons and 520,000 tons respectively. Steps should be taken immediately to create capacity to meet this demand.

(4) In order to ensure that production of different varieties of paper and paperboards corresponds to the actual demand pattern early steps should be taken by Government to have a technical assessment of the capacity of each unit in terms of the several types of paper and paper board and production should be planned as follows:—

Printing and Writing paper . . . . . 67 per cent.

Packing & Wrapping paper . . . . . 14 per cent.

Paper boards . . . . . 16 per cent.

Special types of paper . . . . . 3 per cent.

(5) Paper manufacturers should be required to market the several types of their manufacture within the price structure enunciated above on the basis of the broad definitions laid down.

(6) If a case is made out, to the satisfaction of Government, that the manufacture and sale of a new type not included in the price structure should be approved for sale at a particular price to satisfy the needs of special classes of consumers, permission may be granted after necessary investigation.

(7) For the effective administration of price control, a complete and exhaustive list of all types of speciality papers which are manufactured in the country and are excluded from price control should be published. Any additions to or deletions from the list should have the explicit sanction of Government.

(8) The industry should continue the present practice of advertising periodically or every quarter fair selling prices of papers and paper boards in the important English newspapers and principal language papers in the country.

(9) As manufacturers have been provided with a freight allowance and an element for selling expenses at commensurate levels, they should endeavour to ensure that their products reach consumers at all points in the country where they are in demand in adequate quantities and in an evenly spread manner. Distributors/wholesalers should be appointed at all the important centres on the basis of population and other requirements.

(10) Manufacturers should create a machinery to enforce performance by the distributors/wholesalers of their duties and responsibilities to the community. They should have a trained staff of travelling salesmen and inspectors who will make enquiries if the retailers etc. in the second tier of the distribution system, do refrain from anti-social activities in regard to prices and distribution.

(11) The present trade practice of permitting distributors/wholesalers to add commission upto  $\frac{1}{4}$  per cent on the fair selling prices for resale of paper to retailers (dealers) and paper merchants should be discontinued.

(12) State Directors of Industries should render assistance to small scale stationery manufacturers who deal in exercise books for the student community to procure their requirements of printing and writing paper.

(13) Government may examine the feasibility of making arrangements whereby paper mills would be able to obtain waste paper in bulk quantities direct from Government Department, both Central and State, instead of through intermediate dealers.

(14) The possibility of permitting long term leases of forests to paper mills with a view to fostering both planned development and scientific exploitation may be considered.

(15) Encouragement should be given to the establishment of pulp manufacturing units independently of paper mills.

(16) The paper industry should take immediate steps to amalgamate the two associations of manufacturers which are now in existence.

3. The Government have accepted recommendations (1) and (2) regarding prices and the paper mills have been called upon to issue a revised price list accordingly with effect from the 1st January 1960.

Recommendation (14) is already under their examination. Government will take necessary steps to implement recommendations (3), (4), (5), (6), (7), (12) and (13).

The attention of State Governments is invited to recommendation (12) and they will be requested to take appropriate action.

The attention of the industry is specifically invited to recommendations (6), (8), (9), (10), (11) and (16).

#### ORDER

Ordered that a copy of the Resolution be communicated to all concerned.

Ordered also that the Resolution be published in the Gazette of India for general information.

ASHFAQUE HUSAIN, Jt. Secy.

(Office of the Chief Controller of Imports & Exports)

#### ORDER

New Delhi, the 25th November 1959

No. 254/1(2)/HQ/59/2912.—Whereas M/s. The American Oil and Trading Co., Revdi Bazar, Ahmedabad-2 have denied the receipt of Licence No. E988342/57/EI/CCI/HQ, dated 14th July 1959, valued at Rs. 24,884/- for the import of Mineral Oils N.O.S. as mentioned in para. 3(B)(A) of Appendix XVIII of the Policy Book for the relevant period, from the General Area except Union of South Africa, granted by the Chief Controller of Imports and Exports, New Delhi to the said M/s. The American Oil and Trading Co., Revdi Bazar, Ahmedabad-2 and whereas any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 254/1(2)/HQ/59/537, dated the 8th October, 1959, proposing to cancel the above-mentioned licence, the Government of India, in the Ministry of Commerce and Industry, in exercise of the powers conferred by clause 9 of the Imports (Control) Order 1955, hereby cancel the said licence No. E988342/57/EI/C.C.I/HQ dated 14th July 59, issued to the said M/s. The American Oil and Trading Co., Revdi Bazar, Ahmedabad-2.

K. T. SATARAWALA,

Chief Controller of Imports and Exports.

#### MINISTRY OF EDUCATION

New Delhi, the 25th November 1959

No. F.6-18/59-A.10.—In partial modification of the Ministry of Education Resolution No. F.6-13/59-A. 10, dated the 19th August, 1959, Shri K. R. Ramachandran, I.A.S., Deputy Secretary, Ministry of Education, has been appointed the Ministry's representative-Member of the Committee on the proposed Archival Legislation, with effect from the 23rd November, 1959, in place of Shri Nizamuddin Ahmed, I.A.S.

R. L. ANAND, Under Secy.

New Delhi-2, 27th November 1959

No. F.9-16/58-H.I.—In pursuance of Ministry of Education Resolution No. F.9-16/58-H.I. dated the 19th May, 1959, the following persons have been appointed as Chairman and members of the Kendriya Hindi Shikshana Mandal:—

#### 1. Chairman.

Shri M. Sanyanarayana, M.P.

#### Members

#### 2. Representatives of the Government of India.

(i) Deputy Secretary, incharge of Hindi Division Ministry of Education.

(ii) Deputy Financial Adviser, attached to the Ministry of Education.

#### 3. Members nominated by the Ministry of Education including two members of Lok Sabha and one of Rajya Sabha.

(i) Shri Awadh Nandan Sharma, C/o Balika Vidyapeeth, Lakhsara, District Monghyr, (Bihar).

(ii) Prof. N. Nagappa, M.A. Head of the Hindi Department, Maharaja's College, Mysore.

(iii) Dr. Vinay Mohan Sharma, Principal, Government College, Kargah (Madhya Pradesh).

(iv) Prof. I. N. Madan, Head of the Hindi Department, University of Punjab, Chandigarh.

(v) Prof. A. Chandrasekhar, Professor of Oriental, Languages, Maharaja's College, Ernakulam.

(vi) Dr. H. P. Gupta, Head of the Post Graduate Department of Hindi, University of Jammu and Kashmir, Srinagar.

(vii) Dr. Bishwanath Prasad, Director, K.M. Institute of Hindi Studies and Linguistics, Agra University, Agra.

(viii) Dr. Nagendra Nagach, Head of the Hindi Department, Delhi University, Delhi.

(ix) Shri S. S. Raju Naidu, Head of the Hindi Department, University of Madras, Madras.

(x) Shri M. L. Dwivedi, M.P., (Lok Sabha).

(xi) Shri N. Keshava, M.P., (Lok Sabha).

(xii) Shri Banarasi Das Chatturvedi, M.P., (Rajya Sabha).

#### 4. Representatives of the voluntary Hindi organisations.

(i) Shri K. Atchutha Reddi, president, Hindi Prachar Sabha, Hyderabad.

(ii) Mahamahopadhyaya D. V. Pordar President, Maharashtra Rashtra Bhasha, Prachar Samiti, Poona.

(iii) Shri Maganbhai Desai, Vice Chancellor, Gujarat University, Ahmedabad.

(iv) Shri Shambhu Nath Parimoo, Secretary, Managing Committee, Mahila Mahavidyalaya, Barabashah, Srinagar.

(v) Shri N. Sundara Iyer, Kerala Hindi Prachar Sabha, Ernakulam.

(vi) Shri S. R. Shastri, Dakshin Bharat Hindi Prachar Sabha, (Tamilnad) Trichi.

(vii) Shri Sidh Nath Pant, Honorary Chairman, Sahitya Shikshan Samiti, Karnatak Hindi, Prachar Sabha, Dharwar.

(viii) Shri Lalita Madhab Sharma, Vice-President, Manipur Hindi Parishad, Imphal.

(ix) Shri R. K. Bose, Secretary, Utkal Prantiya Rashtra Bhasha Prachar Sabha, Cuttack.

(x) Shri D. D. Menon, General Secretary, Punjab Prantiya Hindi Sahitya Sammelan, Ambala Cantt.

(xi) Shri Umesh Lal Singh, Secretary, Tripura State Rashtra Bhasha Prachar Samiti, Agartala.

(xii) Shri Rehti Ranjan Sinha, Secretary, West Bengal Rashtra Bhasha Prachar Samiti, Calcutta.

(xiii) Shri Padam Singh Sharma, "Kamlesh", Head of the Hindi Department, Agra College, Agra.

(xiv) Shri Rameshwar Dayal Dube, Examination Secretary, Rashtra Bhasha Prachar Samiti Wardha.

(xv) Shri Kamal Nayan Bajaj, M.P., Treasurer, Akhil Bhartiya Hindi Parishad Agra.

(xvi) Shri Balachandra Apté, Principal, Hindi Pracharak Vidyalaya, 2-4-1098, Kachiguda, Hyderabad.

A. K. JAIN, Under Secy.

#### MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

New Delhi, the 25th November 1959

No. F.12-18/59C2.—In pursuance of the Ministry of Education Resolution No. 24-4/53.H3 dated the 27th/30th July, 1953 read with the Ministry of Scientific Research and Cultural Affairs, Notification No. F. 12-10/58.C2 dated 1st August

1958, the Government of India are pleased to reconstitute the Council of the National Library, Calcutta, as follows for a period of three years with effect from the date of issue of the notification:—

*Chairman*

1. Joint Educational Adviser (C) Ministry of Scientific Research and Cultural Affairs.

*Two Members Nominated by the Government of West Bengal*

2. Shri A. K. Chanda.
3. Shri Bhupati Mohan Sen.

*One Member Nominated by the University of Calcutta*

4. To be notified later on.

*One Member Nominated by the Central Universities by Rotation*

5. Dr. S. Das Gupta, Librarian, University of Delhi, Delhi.

*Six Members Nominated by the Government of India*

6. Shri Ram Goswami, Librarian, State Central Library, Shillong (Assam).
7. Shri S. C. Deb, Honorary Secretary, Public Library, Allahabad (U.P.).
8. Shri N. D. Sundaravadivelu, Director of Public Libraries, Madras.
9. Shri P. N. Pushp, Assistant Director, Research, Srinagar (J & K).
10. Prof. M. Mujeeb, Vice-Chancellor, Jamia Millia Islamia, New Delhi.
11. To be notified later on.

V. P. AGNIHOTRI, Under Secy.

**RESOLUTION**

*New Delhi, the 28th November 1959*

No. 44/59.T.S.—On the recommendations of the All India Council for Technical Education, Post-Graduate Courses in Engineering and Technology have been started in a number of institutions in the country and facilities have also been provided for advanced work and research. The effectiveness of the provision already made and the extent of further desirable expansion in this field has been engaging the attention of the Post-Graduate Development Committee of the All India Council for Technical Education and the Working Group on Technical Education for the Third-Five Year Plan. It has been proposed by the Council that a comprehensive enquiry should be made into the matter with a view to formulating a plan which will yield the most fruitful results in this important field of activity.

2. In pursuance of the above recommendation, the Government of India have appointed a Committee with the Terms of Reference as given below:—

*Personnel of the Committee:*

*Chairman*

1. Prof. M. S. Thacker, Secretary to the Government of India Ministry of Scientific Research and Cultural Affairs.

*Members*

2. Dr. A. N. Khosla, Vice Chancellor, Roorkee University.
3. Dr. D. S. Kothari, Prof. of Physics, Delhi University and Scientific Adviser to the Minister of Defence.
4. Dr. K. S. Krishnan, Director, National Physical Laboratory, New Delhi.
5. Dr. H. L. Roy, Emeritus Professor, College of Engineering and Technology, Jadavpur University.
6. Prof. B. Sengupta, Director, Indian Institute of Technology, Madras.
7. Dr. P. R. Ramakrishnan, M.P., Principal, Coimbatore Institute of Technology, Coimbatore.
8. Dr. S. Bhagavantham, Director, Indian Institute of Science, Bangalore.
9. Shri G. K. Chandiramani, Joint Educational Adviser to the Government of India, Ministry of Scientific Research and Cultural Affairs, New Delhi.

*Member-Secretary*

10. Dr. P. K. Kelkar, Deputy Director, Indian Institute of Technology, Bombay.

*Terms of Reference:*

1. To visit the various centres of Post-graduate studies/research.
2. To evaluate the progress so far made in the development of the post-graduate courses/research in Engineering and Technology.

3. To examine the difficulties experienced and to suggest modifications and improvements in the existing facilities.
4. To examine the advisability of concentrating post-graduate courses in selected institutions for better progress.
5. To consider the manner of achieving close coordination of post-graduate training and research with the major developmental and engineering schemes in the country.
6. To report on all other aspects of improvement and development of post-graduate courses.

**ORDER**

Ordered that a copy of the Resolution be communicated to:

- (i) The Secretary, University Grants Commission, New Delhi.
- (ii) The Secretaries to all State Governments, Technical Education Departments.
- (iii) The Registrars of all Universities in India.
- (iv) The Registrar, Indian Institute of Science, Bangalore.
- (v) The Registrar, Indian Institute of Technology, Kharagpur.
- (vi) The Registrar, Indian Institute of Technology, Bombay.
- (vii) The Registrar, Indian Institute of Technology, Madras.

Ordered also that the Resolution be published in the Gazette of India for general information.

G. K. CHANDIRAMANI, Jt. Secy.

**MINISTRY OF RAILWAYS**

**(Railway Board)**

*New Delhi, the 27th November 1959*

No. E58-Col/RBI.—The Government of India have set up a Committee to recommend measures to be taken to standardise the curricula and the standard of training in Technical Training Schools on Railways.

The Committee consists of:—

*Chairman*

1. Shri B. B. Varma, Retired General Manager.

*Member*

2. Shri A. K. Basu, Retired General Manager.

*Secretary*

3. Shri T. C. Pasricha, officiating personnel Officer, Eastern Railway.

The terms of reference of the Committee are as follows:—

(i) To conduct a Survey of the facilities provided and of the courses and syllabi of training imparted to the various Class III and IV categories of staff in the professional/technical Training Schools on the Indian Railways with a view to seeing whether the existing standards for—

- (a) initial
- (b) refresher, and
- (c) promotion

courses meet in full the needs of the services and recommend what, if any, changes are necessary.

(ii) To recommend standard syllabi for theoretical training, and practical training where necessary, for these categories of staff, so that the standard of training on the Railways may be uniform and personnel are adequately trained.

(iii) To examine the need for the preparation of text books on Railway subjects and the manner in which this can best be achieved.

2. The Committee will endeavour to submit its Report within a period of 6 months.

R. E. de SA, Secy.

**MINISTRY OF TRANSPORT AND COMMUNICATIONS**

**(Department of Transport)**

**(Transport Wing)**

*New Delhi, the 19th November 1959*

No. 6-MT(38)/58.—In pursuance of paragraph 5 of the scheme for the administration of the Merchant Seamen's Amenities Fund, published with the notification of the late Ministry of Commerce, No. 50-MII(7)/49, dated the 27th

August 1949 and in partial modification of the notifications of the Ministry of Transport and Communications (Department of Transport) No. 6-MT(38)/58, dated the 22nd September 1958 and the 24th December, 1958, the Central Government hereby nominates Capt. J. D. Mody, I.N., as a Member of the General Committee for management and administration of the Merchant Seamen's Amenities Fund, *vice* Capt. K. R. Nair, I.N., resigned.

J. V. DASS, Under Secy.

(Department of Transport)  
(Transport Wing)

PORTS

New Delhi, the 28th November 1959

No 13-PG(39)/59.—The Government of India have received the Administration Report of the Port of Madras for the year 1958-59. The following are the noteworthy features of the Report:

**1. Financial Results:**

The financial results for the year were satisfactory. The Revenue receipts of the Port Trust for the year under review amounted to Rs. 219.73 lakhs as against Rs. 265.43 lakhs in the previous year.

The net expenditure for the year, excluding the amount held under suspense and the amounts paid as contributions to the Renewals and Replacement Fund, General Insurance Fund, Capital Account and the Revenue Reserve Fund aggregating to Rs. 117.15 lakhs, amounted to Rs. 160.79 lakhs as against Rs. 135.39 lakhs during the previous year. The reduction in the revenue surpluses of the port for the year as compared to the previous year was mainly due to a fall in the revenue receipts (Rs. 45,69,279), increased establishment charges (Rs. 6,29,878) and payment of increased debt charge (Rs. 10,42,619).

**Pilotage Fund:**

The Pilotage Fund receipts and expenditure amounted to Rs. 7.37 lakhs and Rs. 5.54 lakhs respectively. The expenditure is inclusive of a contribution of Rs. 2 lakhs to the Revenue Account. The actual closing balance of the Pilotage Fund at the end of 1958-59 was Rs. 5,57,439.

**Reserve Funds:**

The balances in the various Reserve Funds at the end of the year were satisfactory.

**Outstanding Loans:**

The outstanding amount of loans taken by the Port Trust from Government was Rs. 443.03 lakhs at the end of the year.

An agreement was signed with the International Bank for Reconstruction and Development, Washington for the grant of a loan of 14 million dollars to enable the Madras Port Trust to meet the foreign exchange requirements of the development programme of the Port. A sum of Rs. 29,37,264 was drawn from the Bank in various currencies during the year.

**2. Traffic:**

The total dead weight tonnage of imports and exports, which passed through the Port during the year was 17,37,399 and 7,02,709 respectively. The figures for the last year were 1885489 (imports) and 618599 (exports). There was a decrease in foreign and coastwise imports and an increase in both foreign and coastwise exports. The total volume of trade, that passed through the Port during the year registered a decrease of 2.6% as compared with the previous year.

The tonnage of coal imported by sea during the year was 319,221 as against 357,961 during the previous year.

**3 Shipping:**

The number of vessels, excluding sailing vessels, that entered the harbour during the year was 1085 as against 993 in the previous year. The net tonnage increased from 3,497,112 to 1,040,702. Seven sailing vessels with a net tonnage of 131 arrived during the year as against 17 with a net tonnage of 1458 during 1957-58.

**4. Labour:**

The employees of the Port struck work for 11 days from the 16th to the 26th June 1958. Barring this the labour situation in the port during the year was fairly normal.

**5. Works:**

The following are some of the noteworthy items:—

- (i) The work on the Transit Shed and Passenger Station was completed during the year and opened for traffic use.
- (ii) The work on the construction of the Ore Berth was in progress.
- (iii) Piling work for the Coal Jetty was commenced during the year.

(iv) The scheme for the construction of a six-berth wet dock was in different stages of progress. The contract for the construction of the wet dock was awarded in October 1958 and orders were placed for necessary equipment.

(v) The work on the Coal and Ore Yards was completed during the year.

(vi) The eastern sidings of the Marshalling Yard were nearing completion. A new mixed gauge weighbridge was completed. The road and the fencing round the Marshalling Yard were completed during the year. Additional land to an extent of 25 acres were acquired from the Madras Government along the foreshore.

(vii) The construction of the low level reservoir for water supply to the Hospital and Administrative Office was in progress.

(viii) The work of constructing a double-storeyed warehouse 'K' at the site of the Spring-haven Shed was started. The R. C. Pile foundation work was completed and the building superstructure work was commenced.

(ix) A double storeyed warehouse in replacement of the existing warehouse 'W' was constructed and thrown open to traffic during the year.

(x) The new Hospital and the Dispensary started functioning during the year.

(xi) Pile foundation for the construction of the new Administrative Offices was completed during the year and the superstructure work was commenced.

(xii) The housing programme of the port made further progress during the year. Sixteen units of type I and 108 units of type II quarters at Costimode were constructed and allotted to the employees. The construction of 78 units of type I and 108 units of type II at Tondiarpet was nearing completion. Work on the construction of 156 units of type I and 124 units of type II at Tondiarpet has made substantial progress. Additional land adjoining the existing housing colony is being acquired to enable construction of additional units.

(xiii) The work relating to the provision of office accommodation for the Madras Dock Labour Board was nearing completion.

(xiv) The Port Trust acquired a number of steel barges, a fork lift truck, tractors, cranes, a fuel injection equipment, a welding set, a boring machine, lathes, an ambulance van, welding and cutting outfit, and steel sack trucks.

**Acknowledgement:**

The Port Trust Board performed another year of useful work and Government view with appreciation the work done by the Board during the year under review.

NAKUL SEN, Jt. Secy.

**MINISTRY OF INFORMATION & BROADCASTING**  
**RESOLUTION**

**STATE AWARDS FOR FILMS**

New Delhi-2, the 27th November, 1959

No 21/11/59-FC(F).—In supersession of the Resolution of the Government of India in the Ministry of Information and Broadcasting No. 21/5/58-FC, dated the 8th December, 1958, the following rules are notified concerning State Awards for Films:—

**RULES**

1. The object of the State Awards for Films is to encourage the production of films of a high aesthetic and technical standard and of educational or cultural value.

2. The following State Awards for Films have been instituted:

**All-India Awards**

**(a) Feature Films:**

- (i) President's Gold Medal for the best film and a cash prize of Rs. 20,000 to its producer and Rs. 5,000 to its director.
- (ii) All-India Certificate of Merit for the second best film and a cash prize of Rs. 10,000 to its producer and Rs. 2,500 to its director.
- (iii) All-India Certificate of Merit for the third best film.

**(b) Documentary Films:**

- (i) President's Gold Medal for the best film and a cash prize of Rs. 4,000 to its producer and Rs. 1,000 to its director.
- (ii) All-India Certificate of Merit for the second best film and a cash prize of Rs. 2,000 to its producer and Rs. 500 to its director.
- (iii) All-India Certificate of Merit for the third best film.

**(c) Children's Films:**

- (i) Prime Minister's Gold Medal for the best film and a cash prize of Rs. 20,000 to its producer and Rs. 5,000 to its director.

- (ii) All-India Certificate of Merit for the second best film and a cash prize of Rs. 10,000 to its producer and Rs. 2,500 to its director.
- (iii) All-India Certificate of Merit for the third best film.
- (d) *Educational Films (16 mm only):*
  - (i) President's Gold Medal for the best film and a cash prize of Rs. 4,000 to its producer and Rs. 1,000 to its director.
  - (ii) All-India Certificates of Merit for the second and third best films.

**Note:—**

The term 'educational film' means an educational film in 16 mm only and includes a scientific, instructional or experimental film.

**(e) Filmstrips (35 mm):**

- (i) President's Silver Medal for the best filmstrip.
- (ii) All-India Certificates of Merit for the second and third best filmstrips.

**Regional Awards**

- (f) President's Silver Medal for the best feature film in each Indian language and Certificates of Merit for the two next best feature films in each such language.

**Explanation**

The terms "producer" and "director" used herein will be construed as referring to the producer or director, as the case may be, as given in the credit titles of the film duly certified by the Central Board of Film Censors.

3 The Awards will be made annually on a date to be fixed by Government.

4 All Indian films certified for public exhibition by the Central Board of Film Censors and all filmstrips certified by the producers as produced in the preceding calendar year will be eligible for entry, which may be made by the producer or any other duly authorised person in the Form contained in the Schedule hereto annexed.

5 No entry fee will be charged, but the entrant will submit at his cost to such Regional Officer of the Central Board of Film Censors or to any other authority as may be specified:

- (i) a print of the film or the filmstrip as the case may be; and
- (ii) a copy of the synopsis, together with an English rendering thereof and a copy of the songs, if any, together with their free translation in English or Hindi.

The entrant of a film selected for viewing by the Central Committee will submit at his cost the specified number of copies of the detailed dialogue script in English or Hindi as well as the publicity material relating thereto in addition to the print and synopsis of the film.

6. The decision of the Government of India whether any film is a feature film, documentary film, educational film or children's film for the purpose of entry for the Awards will be final. Government may prescribe the maximum length of a children's film for the purpose of entry for the Awards.

7 Ordinarily, a film which is a dubbed version or a retake or an adaptation of another film will not be eligible for consideration for the Awards. Government may, however, in any particular instance, where it is satisfied that the adapted version or the retake represents a fresh contribution towards the interpretation of the subject, allow the entry of such a film for the Awards. The producer of a film made in more than one language versions, may enter only one of the versions of that film. Films based on classics or mythology shall not, by reason of the subject only, be deemed to be adaptations.

8 Entries for the Awards will be invited by Government during a period to be notified relaxable in exceptional cases at the discretion of Government.

9 All transport costs on the consignment and return of the films and publicity material will be payable by the entrant.

10 All films will be submitted at owner's risk and while the Government will take every reasonable care of the films submitted it cannot accept responsibility for loss or damage to the film while in its possession.

11 Three Regional Committees appointed by Government will initially examine feature films entered for the Awards in the languages indicated below—

- (i) Regional Committee at Bombay—Hindi (including Urdu and Hindustani), Marathi, Punjabi, Gujarati, Sindhi and English.
- (ii) Regional Committee at Calcutta—Bengali, Assamese and Oriya.
- (iii) Regional Committee at Madras—Tamil, Telugu, Kannada and Malayalam.

12. Each Regional Committee will be composed of:

- (a) A Chairman nominated by Government.
- (b) Not more than four distinguished persons of culture, art or literature nominated by the Government of India in consultation with the State Government concerned with language. (Care will be taken to ensure that all the languages of the region are represented in the selection of these four persons).
- (c) Persons, not exceeding three, qualified to judge technical standard, presentation, direction and treatment values of films, nominated by Government from a panel of names representing the industry.

13. The Regional Committees will recommend in order of merit a list of three feature films in each language of consideration by the Central Committee.

14. The documentary films entered for the Awards will be initially examined by a Documentary Committee appointed by Government with a membership not exceeding five including the Chairman. This Committee will recommend in order of merit up to six documentary films for consideration by the Central Committee.

15. The educational films and filmstrips entered for the Awards will be initially examined by an Educational Committee appointed by Government with a membership not exceeding five including the Chairman. The Committee will recommend in order of merit up to six educational films and up to six filmstrips for consideration by the Central Committee.

16. The Central Committee will be composed of:

- (a) A Chairman nominated by Government.
- (b) Chairmen of the three Regional Committees, Educational Committee and the Documentary Committee. Where a Chairman is not available to sit on the Central Committee, Government may nominate a member of the Committee concerned on the Central Committee.
- (c) Not more than four distinguished persons of culture, art or literature nominated by Government.
- (d) Persons, not exceeding three, qualified to judge technical standard, presentation, direction and treatment values of films, nominated by Government from a panel of names representing the industry.
- (e) One member of the Central Board of Film Censors nominated by Government.

17. Nothing contained in rules 12, 14, 15 and 16 will preclude the co-option by a Committee of an additional member or members to assist the Central, Documentary, Educational or a Regional Committee, as the case may be, in examining documentary, educational or children's film or films in any language and the member or members so co-opted will have all the rights of an ordinary member.

18. Membership of the Central, Documentary, Educational and Regional Committees will be honorary, but the members may be allowed such travelling and conveyance allowances as may be sanctioned by Government from time to time.

19 The Central Committee will consider the recommendations of the Regional Committees, the Educational Committee and the Documentary Committee and recommend in order of merit:

- (1) Three best feature films for the All-India Awards.
- (2) Three best documentary films for the All-India Awards.
- (3) Three best educational films for the All-India Awards.
- (4) Three best filmstrips for the All-India Awards.
- (5) Three best feature films in each language other than English for Regional Awards.

20 (1) The Central Committee will, subject to the provisions of sub rule (2), also examine the children's films entered for the Awards and recommend the best three films in order of merit.

(2) If the number of entries in the category of children's films so warrants, Government may entrust the initial examination of films to the Documentary Committee or a Special Committee constituted for this purpose consisting of not more than five members including the Chairman, which will recommend in order of merit, not more than six films for consideration by the Central Committee.

21 The Regional Committees, the Documentary Committee, the Educational Committee, the Special Committee for Children's Films (if any) and the Central Committee may determine their own procedure for the examination of films.

22 The quorum of each of the Documentary Committee, Educational Committee and the Special Committee for Children's Films will be three, while that of the Central and the Regional Committees seven and four respectively.

23. Nothing contained herein shall be construed as restricting the discretion of a Regional Committee, the Documentary Committee, the Educational Committee, the Special Committee



for Children's Films (if any) or the Central Committee from making a recommendation that none of the films in a particular language or category is of a standard adequate for an Award.

24. The recommendations of the Central Committee will be submitted to Government.

25. A film will be eligible for an Award only in one of the four categories viz., feature, documentary, educational or children's film. A feature film receiving an All-India Award shall not be eligible for a Regional Award.

26. The Regional Committees, the Documentary Committee, the Educational Committee, the Special Committee for Children's Films (if any) and the Central Committee will examine films at such place and time as may be considered feasible.

27. Government shall be entitled to retain, without payment of cost, the print entered for the Awards of a film or filmstrip, which receives an Award in the form of a Medal and/or cash.

28. The function for the presentation of the Awards will be held at such place and on such date as Government may determine.

29. Canvassing in any form in respect of an entry will render that entry liable to disqualification for Awards. Any member of the Central Committee, Documentary Committee, Educational Committee, the Special Committee for Children's Films (if any) or the Regional Committees found canvassing for a particular film is liable to be disqualified for membership of the Committee.

#### SCHEDULE

##### Form

For entry for the State Awards for Film

(To be submitted in duplicate)

(See rule 1)

To

The Regional Officer,  
Central Board of Film Censors  
Bombay/Calcutta/Madras.

*Entry for State Awards for Films*

1. (i) Title of the film/filmstrip

(ii) Whether Feature/Documentary/Educational/Children's film.

(iii) Language of the film.

(iv) Length and gauge of the film/filmstrip.

(v) Number of reels.

(vi) Colour of the film/filmstrip.

(vii) Name and full address of the producer (with telephone number and telegraphic address, if any).

(viii) Name and full address of the Director.

(ix) Names and full addresses of principal members of the cast.

(x) Number and date of Certificate of Exhibition

(xi) Date of release.

2. Please state whether the film is a dubbed version, an adaptation or a retake of another film. If so, give particulars of the film of which it is a dubbed version, an adaptation or a retake.

3. Where the person making the entry is not the producer, please state whether he has been duly authorised to make the entry.

I certify that the statements made above are true to the best of my knowledge and belief.

I hereby agree to the Government retaining the print of the film/filmstrip, without payment of cost, in the event of its receiving an Award in the form of a Medal and/or cash.

\*I certify that the filmstrip was produced during the year.—

Date:

Signature:

Place:

Address:

\*Delete if not applicable.

Ordered that the Resolution be published in the Gazette of India for general information.

V. KUMAR, Dy. Secy.

#### PUBLIC NOTICE

##### STATE AWARDS FOR FILMS

New Delhi-2, the 2nd December, 1959

SUBJECT:—*Entries for State Awards for Films for 1959*

No. 7/14/59-FL.—In pursuance of rule 8 of the Rules concerning State Awards for Films notified in the Resolution of the Government of India in the Ministry of Information and Broadcasting No. 21/11/59-FC (FI), dated the 27th November, 1959, entries for the State Awards for Films are hereby invited in respect of Indian films certified for public exhibition during the calendar year 1959 and filmstrips produced during the same year. The entry in respect of a film or filmstrip may be made by its producer or any other person duly authorised by him in this behalf, up to January 7, 1960, free of charge. The entry will be made in duplicate in the form prescribed in the Schedule annexed to the Rules referred to above.

2. Entries in respect of the various categories of films should be addressed to the authorities indicated below:

(a) *Regional Officer, Central Board of Film Censors, 91, Walkeshwar Road, Bombay-6.*

(i) Feature films in Hindi (including Urdu and Hindustani), Gujarati, Marathi, Punjabi, Sindhi and English

(ii) Documentary films in all languages.

(iii) Children's films in all languages

(iv) Educational films in all languages.

(v) Filmstrips

(b) *Regional Officer, Central Board of Film Censors, 12, Dalhousie Square, Calcutta.*

Feature films in Bengali, Oriya and Assamese

(c) *Regional Officer, Central Board of Film Censors, Flat No. 17, Second Floor, Iguchand Mansion, Mount Road, Madras-2.*

Feature films in Tamil, Telugu, Kannada and Malayalam.

4. An entrant will be required to submit at his cost to such Regional Officer of the Central Board of Film Censors or to any other authority as may be specified a print of the film or the filmstrip and a copy of the synopsis and songs together with an English rendering thereof. The entrant of a film selected for viewing by the Central Committee will submit at his cost the specified number of copies of the detailed dialogue script in English or Hindi as well as the publicity material relating thereto in addition to the print and synopsis of the film.

1. The Government of India have decided in pursuance of rule 6 of the Rules concerning the State Awards for Films that the length of a children's film shall not exceed 8,000 feet in 35 mm or 3,200 feet in 16 mm for the purpose of entry for the Awards.

D. R. KILANNA, Under Secy.

#### MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 28th Nov. 1959

No. LR.II/3(30)/58.—The following decision of Shri Salim M. Merchant, Central Government Industrial Tribunal, Dhanbad, in respect of the matter referred to him under section 36A of the Industrial Disputes Act, 1947 (14 of 1947) by the order of the Government of India in the Ministry of Labour & Employment No. S.O. 2289, dated the 18th October, 1958 as modified by the corrigendum No. S.O. 642, dated the 11th March 1959 seeking the correct interpretation of the Award of the All India Industrial Tribunal (Colliery Disputes) in regard to the payment of dearness allowance on load and lift wages in respect of the workmen employed in the collieries in Assam, is hereby published for general information.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 59 of 1958

##### PARTIES:

Employers in relation to certain Coal Mines in the State of Orissa and their workmen, as mentioned in Government of India, Order No. S.O. 2289, dated 18th October 1958 published in the Gazette of India, Part II, Section 3(ii) dated 1st November, 1958 at page 2156 as amended by notification No. LR.II/3(30)/58, dated 11th March 1959.

Re: In the matter of a reference under Section 36A of the Industrial Disputes Act 1947 and in the matter of interpretation of the award of the All India Industrial Tribunal (Colliery Disputes) dated 26th May, 1956 as modified by the decision of the Labour Appellate Tribunal of India dated 29th January, 1957.

Dhanbad, dated the 14th November 1959

PRESENT:

Shri Salim M. Merchant, B.A.L.L.B., Presiding Officer.

APPEARANCES:

Shri Kanti Mohita, General Secretary, Indian National Coal Mine Workers Federation, for the workmen concerned.

Shri F. P. Patckh, Labour Adviser, Kilmick Industries Limited, for the Hingir Rampur Coal Co. Ltd.

Shri K. P. Mookerjee, Secretary, Bharat Manufacturers, Traders and Dealers Association with Shri Vidhu Sekhar, Chief Executive Officer, for Orient Colliery.

Shri K. Shanmughavel, Labour Officer, Talcher Colliery, for the Talcher and Deulbera Collieries of the National Coal Development Corporation (Private) Limited.

STATE: ORISSA INDUSTRY: COAL

DECISION

By the following Order No. LR-II-3(30)/58, dated 18th October 1958 the Central Government in exercise of the powers conferred by Section 36A of the Industrial Disputes Act 1947 (XIV of 47), was pleased to refer this matter to me for decision:—

Dated New Delhi the 18th October 1958.

ORDER

S.O. —Whereas an industrial dispute between the employers in relation to certain coal mines and their workmen was referred for adjudication to the All India Industrial Tribunal (Colliery Disputes) and its award was published in the Gazette of India extraordinary Part II, Section 3 dated the 26th May 1956 vide S.R.O. 1224 dated the 18th May 1956;

And whereas in the opinion of the Central Government a doubt has arisen as to the correct interpretation of paragraph 663 of the said award on the question specified in the schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by Section 36A of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said question for decision to the Industrial Tribunal, Dhanbad, constituted under Section 7A of the said Act.

SCHEDULE

"Whether the dearness allowance is payable on lead and lift wages in regard to the workmen employed in the collieries in Orissa."

2. Upon receipt of the order, notices were issued upon the parties mentioned in the said order for filing their written statements. A written statement dated 20th November, 1958 was received from the General Secretary, Rampur colliery Mazdoor Congress. The Hingir Rampur Coal Co. Ltd. files its written statement dated 26th December, 1958 on 29th December, 1958 and the Orient Colliery through its Chief Executive Officer, filed its written statement dated 7th January, 1959 on 9th January 1959. Both these written statements on behalf of the employers pointed out that reference to para 663 of the Award of the All India Industrial Tribunal (Colliery Disputes), in the Government Order of reference dated 18th October, 1958 was incorrect as that paragraph of the Award did not deal with the question of lead and lift wages at all. It appears that thereupon the union applied to Government suitably to amend the order of reference and thereafter by corrigendum No. LR-II/3(30)/58 dated 11th March 1959 the Government of India was pleased to direct that the words, "para 663 of" appearing in its said order dated 18th October, 1958 published at page 2156 in the Gazette of India, Part II Section 3(ii) dated 1st November, 1958, be deleted. After this corrigendum was issued the parties were directed to file fresh written statements and thereafter written statements on behalf of the workmen from Shri Kanti Mohita, General Secretary, Indian National Mine Workers Federation dated 29th April 1959 was received on 2nd May, 1959. On behalf of the employers also fresh written statements were received. The Assistant Superintendent of Collieries, Talcher, who is Agent under the Mines Act 1952 of the Talcher and Deulbera Collieries situate in the state of Orissa of the National Coal Development Corporation (Private) Ltd., in his written statement dated 18th May, 1959 stated that so far no occasion has arisen for the payment of lead and lift wages in those collieries and as such there was no dispute regarding the interpretation of the Majumdar Award in respect of the question whether dearness allowance is payable on lead and lift wages. In its written statement he has further stated that if in future any occasion arises for payment of lead and lift wages the award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal, would be followed. I may as well at this stage state that Shri Shanmughavel, the Labour Officer for the Talcher and Deulbera Collieries of the National Coal Development Corporation (Private) Ltd., at the hearing further stated that in its written statement before the Coal Arbitrator the Corporation had admitted that in its other collieries outside Orissa State separate dearness allowance at the rate of 150% was being paid on the lead and lift wages. The Hingir Rampur Coal Co. Ltd., filed its fresh written statement dated 22nd May 1959 on 25th May 1959 and a written statement was

also received from the Chief Executive Officer for Orient Collieries which is owned by Central India Coal Fields Ltd. Thereafter, this reference at the request of the parties was heard at Calcutta on 18th and 19th September, 1959.

3. At the outset it is necessary to dispose of certain preliminary objections urged by the employers against the present reference. The Orient Colliery in its written statement has urged that its workmen had not raised any dispute, doubt or difficulty with regard to the question under reference viz whether dearness allowance is payable on lead and lift wages, and therefore the present Government order of reference is *ultra vires* of the Industrial Disputes Act, 1947. In my opinion, under Section 36A it is not at all necessary that a dispute should arise between the employers and his workmen. The doubt or difficulty is to be that of the Government, because under the Industrial Disputes Act, it is Government who has to enforce the Award. What is material is the opinion of the Government, that a doubt or difficulty had arisen with regard to the correct interpretation of any provisions of an Award. Para 2 of the order of reference herein clearly recites that in the opinion of the Central Government a doubt has arisen as to the correct interpretation of the award on the question of whether dearness allowance is payable on lead and lift wages, to the workmen employed in the Collieries in Orissa, and it would not be for the Tribunal to question that opinion. As it is clear from the notification that Government feels a doubt or difficulty with regard to the correct interpretation of the provisions of the Award relating to payment of dearness allowance on lead and lift wages, and as government wants to ascertain what is the correct interpretation of the Award on this point, this reference in my opinion is valid and proper. It may, however, be stated that it is not denied by Hingir Rampur Coal Co. Ltd., that its workmen had claimed payment of separate dearness allowance on lead and lift wages under the terms of the Majumdar Award applicable to the collieries in Orissa. That dispute was referred to conciliation but conciliation resulted in failure and the conciliation forwarded his failure report to Government. This would establish that Government had applied its mind to the directions contained in the Award and as in the opinion of the Central Government there is a doubt as to the correct interpretation of the Award on this point it was competent for it under Section 36A of the Act to refer the question to a Tribunal for the correct interpretation of the Award of the Tribunal. I, therefore, reject this contention and hold that the instant reference is valid under Section 36A of the Act and I have jurisdiction to entertain the same.

4. The next legal objection urged by Shri Mookerjee was that as according to him the question of payment of dearness allowance on lead and lift was not covered by the terms of the reference made by the Central Government to the All India Industrial Tribunal (Colliery Disputes), the Government had no jurisdiction to refer for interpretation an issue which not covered by the original order of reference. In this connection, Shri Mookerjee referred to the matters stated in Schedule II to the Government Order of reference, referring the coal dispute to the All India Industrial Tribunal (Colliery Disputes). That schedule specifies 7 items of dispute. Shri Mookerjee has referred to item No. 2 in Schedule II, in which the dispute specified was, "Inclusion of pay for lead and/or lift in wages for calculation of bonus and provident fund". His point was that as under item No. 2, the demand with regard to the lead and lift was confined only to its being treated as wages for calculation of bonus and provident fund, there was no dispute with regard to the claim for payment of dearness allowance on lead and lift wages. But, as rightly pointed out by Shri Kanti Mohita the question of the rate of payment of lead and lift, and whether dearness allowance should be paid on lead and lift wages was covered by item 1 to the Schedule II which dealt with the general question of wages in the Coal Industry and which was in the following terms:—

"Wages of all categories of workers employed in coal mines, including in particular the following matters:—

- (i) grading;
- (ii) standardisation;
- (iii) equal wages for men and women for equal work; and
- (iv) the wages of:—
  - (a) time-rated trammers;
  - (b) miners other than gallery-faced pick miners;
  - (c) workers engaged in stone-cutting and dressing, and
  - (d) other unskilled workers, male and female.

The first item of dispute thus covered the question of all payments made to mine workers including the payment for lead and lift and whether dearness allowance should be paid on wages earned by way of lead and lift. From even a cursory perusal of the Majumdar Award it is quite clear that the question of payment of lead and lift wages and whether dearness allowance should be paid thereon or not, was treated by all parties before the Majumdar tribunal as being covered by item 1 in Schedule II to the Order of Reference and as I shall presently point out, there are several paragraphs of the Majumdar Award which make this position quite clear, I would, therefore, reject this legal objection, which was also urged on behalf of the Hingir Rampur Coal Co. Ltd.

5 Shri F. P. Parekh for the Hingir Rampur Coal Co Ltd has urged that the reference of interpretation to this Tribunal under Sec 36A is not valid or legal as this Tribunal was not a Member of the Majumdar Tribunal. I may however state that I was one of the members of the Special Bench of the Labour Appellate Tribunal which heard the appeals from the Award of the All India Industrial Tribunal (Colliery Disputes) and the award that is enforced is the award as modified by the decision of the Special Bench Labour Appellate Tribunal of which I was a Member. But quite apart from this fact I am of the opinion that under Sec 36A it is not at all necessary that the interpretation of any provision of an award or settlement of which there is any difficulty or doubt can only be referred to the Tribunal that made the original award. Section 36A (1) is as follows: 36A (1) If in the opinion of the appropriate Government any difficulty or doubt arises as to the interpretation of any provision of an award or settlement it may refer the question to such Labour Court, Tribunal or National Tribunal as it may think fit. The language of the Section makes it clear that the reference is to be made to such Labour Court, Tribunal or National Tribunal as Government thinks it fit and proper it should be referred to and not necessarily to the Tribunal which made the award. It must be remembered that often times, as in the case of the All India Industrial Tribunal (Colliery Disputes) *ad hoc* Tribunals are constituted for adjudication of a particular dispute and after the dispute is heard the Tribunal makes its award and disperses. It may be that long after such a Tribunal has dispersed and become *functus officio* doubts and difficulties may arise with regard to the interpretation of certain portions of the Award and thereafter it would be impossible for Government to refer for interpretation the doubt or difficulty to the original Tribunal which would have dispersed by then. But in the interest of industrial peace it may be necessary to refer the question of the correct interpretation of any provisions of the Award decisions to another Tribunal. It is for this reason that Sec 36A (1) has been framed in such general terms and provides for the Government to decide whether the question of interpretation should be referred to a Labour Court, Industrial or National Tribunal. For these reasons this objection also fails and I hold that the present reference is valid and proper under sec 46A of the Act and I have jurisdiction to entertain the same.

6 Before discussing the submissions of the parties on the matter under reference it is first necessary to explain the terms lead and lift which have a special meaning in the coal mining industry. As stated by the Majumdar Tribunal "lead is the payment made for the distance to be covered by miners before they can lead the coal while lift is the payment made for carrying coal up an incline."

7 Both parties at the hearing referred to the various awards prior to the Majumdar Tribunal concerning the payment of lead and lift, the first of which was the Conciliation Board Award of 1947. The Government of India by notification No. LR II(78) dated 5th February 1947, made in exercise of the powers conferred by Section 3 of the Trade Disputes Act 1929 was pleased to refer the disputes existing or apprehended in the collieries in the Provinces of Bengal and Bihar to a Board of Conciliation for promoting a settlement thereof. The Board made its report dated 12th April 1947 and it is known as the Conciliation Board Award. The Board dealt with the question of rates for lead and lift and observed as follows—

"We are of the opinion that the workers' claims for uniformity in the rates for lift and lead are sound as not only will such uniformity provide adequate recompense for expenditure of energy according to height and distance negotiated but will quicken the incentive of managements to reduce these handicaps to the minimum and thus produce beneficial results by improved output per man shift. (OMS)"

After making these observations the Board recommended as follows—

"We therefore recommend the following 'Basic' scales

8 Then followed certain scales of payment for lead and lift. I may pause here and state that the Majumdar Award has referred to this recommendation of the Conciliation Board in para 152 of its award, where it observed—

"The Board also suggested standardisation of rates for lead and lift and recommended certain basic scales

9 The Government of India by Resolution No. LR II(103) dated 12th May 1947 published the report of the Conciliation Board under Sec 12 of the Trade Disputes Act 1929 and in para 8 of that Resolution stated as follows—

"Although the recommendations of the Conciliation Board Award are applicable only to collieries in Bengal and Bihar Government recognise that appropriate action would be necessary in respect of coal fields in the Central provinces and elsewhere and will take necessary action as soon as possible"

10 It appears that thereafter certain disputes arose between the representatives of the coal industry and labour leaders of Bengal and Bihar Coal fields over the question of proper interpretation of the Conciliation Board Award. The then Chief

Labour Commissioner Shri S. C. Joshi was thereupon deputed to look into the matter and in March 1948 a settlement was reached before Shri Joshi which is popularly known thereafter as the Joshi Agreement. The very first clause of the Joshi Agreement provided as follows—

Payment for lead and lift shall be treated as basic wages for purposes such as dearness allowance

This agreement has been referred to by the Majumdar Tribunal at para 156 of its Award where it has observed—

The agreement provided also for (1) the treatment of lead and lift as basic wage for purposes of dearness allowance

The Joshi agreement therefore governed the payment of lead and lift wages in the provinces of Bengal and Bihar till the award of the Majumdar Tribunal came into operation on 26th May 1956

11 In pursuance of para 8 of its resolution No. LR II (103) dated 12th May 1947 referred to earlier the Government of India in the Ministry of Labour appointed a Fact Finding Committee to report on the grant of monetary benefits and concessions to colliery workers in the Central Provinces and Bihar and in Orissa on lines similar to those granted to colliery workers in Bengal and Bihar as a result of the recommendations of the Board of Conciliation (Colliery Disputes). The C. P. Fact Finding Committee submitted its report dated 12th July 1947 and on the question of lead and lift at para 30 of its Report it recommended as follows—

#### Lead and Lift rates

In the bigger well organised collieries in C. P. there are not many instances where loaders have to go beyond the requisite limit is laid down by the Board of Conciliation to earn lead and lift allowance but to induce owners to keep the loading point as near to the coal face as possible and mitigate hardship to the loader we suggest that the Board of Conciliation's recommendations in this respect may be given effect to in the C.B. coal fields also. This however should be considered as an allowance and not an increase on the basic wages.

I may repeat here that the C. P. Fact Finding Committee report applied to the Hingir Rampur Coal Field in Orissa as is noted in paragraph 191 of the Majumdar Award

12 I may here state that the State of Orissa contains two coal fields namely Hingir Rampur Coal Fields and the Talcher Coal Field. Prior to the Majumdar Award the collieries in Hingir Rampur coal fields were governed by the C. P. Fact Finding Committee's report and for the Talcher area, the wages and dearness allowance and other benefits were fixed by the Government of India Resolution No. LR II (123) dated 30th January 1948. The reasonableness of the wages was raised by the company and was considered by the Talcher Award dated 25th May 1949 which confirmed the recommendations contained in the Government of India Resolution (See Para 188 of the Majumdar Award). The Government Resolution had stated with regard to the lead and lift that its rates for the Talcher Coal Field will be the same as elsewhere

13 To summarise the position before the Majumdar Tribunal made its award on 26th May 1956 was that for the collieries in the Provinces of Bengal and Bihar under the Conciliation Board Award and the Joshi Agreement the lead and lift payments were to be treated as basic wages for the purposes such as dearness allowance whilst under the C. P. Fact Finding Committee report though the rates for lead and lift were to be the same as recommended by Conciliation Board Award for Bengal and Bihar they were however to be considered as an allowance and not an increase on the basic wages

14 I shall now proceed to refer to the directions contained in the Majumdar Award and the decision of the Labour Appellate Tribunal relating to the payment of lead and lift. The question of payment for "lead and lift" in the coal fields of Bengal and Bihar has been dealt with at para 605 of the Majumdar Award which is as follows—

"605 Lead and lift—As already stated in an earlier Chapter on the existing wage structure the workers are paid an allowance for 'lead and lift' on the rates fixed by the Conciliation Board Award. These payments are made with a view to compensating the workman for the additional time spent in carrying a load which time otherwise could have been spent on loading more coal. The workload fixed by us does not take into account the factor of 'lead and lift'. This has to be done and for this purpose the lead and lift have to be included in the wages of the workman for purposes of determining the dearness allowance provident fund etc. The question now is whether an increase in these rates is necessary. When the wages for cutting and loading are raised the natural corollary thereto would be that these rates should be increased. We have assumed that at the time of fixing these rates the Conciliation Board Award took into account the relation between the cutting and loading and the lead and lift which may be taken as approximately

correct. In the circumstances, we direct that the existing basic wages for 'lead and lift' be increased by 33-1/3 per cent. It may be noted that this increase would compensate the worker for the additional workload on the one side and would be a disincentive for the management to unnecessarily add to the 'lead and lift.' "

I may here point out that these observations and directions were made by the Majumdar Tribunal when dealing with the first item of demand under Schedule II to the Government order of reference to it which related to "wages of all categories of workers employed in the coal mines.. . . .".

15. With regard to the payment for lead and lift for the collieries in Orissa, the Majumdar Tribunal in para 666 of its award directed as follows:—

"666. The basic rates for lead and lift will be the same that we have awarded for Bengal and Bihar."

16. This has clearly reference to the observations and directions contained in para 605 of its award relating to payment of lead and lift in the collieries in Bengal and Bihar.

17. In dealing with the item No. 2 in Schedule II to the order of reference which related to "inclusion of pay for lead and/or lift in wages for calculation of bonus and provident fund" the Majumdar Tribunal in para 818 of its Award observed and directed as follows:—

"We find in Bengal and Bihar, at any rate after the Joshi Agreement, the payments for lead and lift are treated as basic wages for purposes such as dearness allowance. As these payments are made to the miners for the extra and additional work they have to do, we give a general direction that these payments should be treated as basic wages for calculation of bonus and provident fund."

18. As stated earlier, from the Majumdar Award there were appeals to the Labour-Appellate Tribunal of India before whom on the question of "lead and lift" it was urged by the workmen that lead and lift payments should be treated separately from the normal basic wages of a worker for the purposes of dearness allowance i.e. that there should be a separate dearness allowance paid on the earnings by way of lead and lift payments. The Labour Appellate Tribunal by Para 193 of its decision rejected this demand and observed:—

193. "At the hearing of the appeals before us it was urged by a section of workmen that 'lead and lift' should be treated separately from the normal basic wages of a worker for the purpose of dearness allowance. This does not appear to have been raised in the Memorandum of appeal of any of the Unions and we do not see any justification for it. We are unable to allow the claim."

19. I may state that in para 190 of its decision the Labour Appellate Tribunal had summed up the directions of the Majumdar Tribunal with regard to the payment of lead and lift in the following terms:—

"The Tribunal has increased the pre-award rates by 33-1/3 per cent and has directed that such payment shall be part of the basic pay and shall count for Dearness allowance, provident fund and bonus."

20. Before dealing with the arguments urged by both parties I must make it clear that under this reference my task is confined to ascertaining as to what in the correct interpretation of the direction contained in the Majumdar Award on the issue under reference *viz.* whether dearness allowance is payable on lead and lift wages in regard to the workmen employed in the collieries in Orissa. In a reference under Section 36A, it is not the function of the Tribunal to adjudicate upon the merits of any particular demand or its justification. That would be a matter for the Tribunal in a reference under Sec. 10 of the Act. A Tribunal functioning on a reference under Sec. 36A has only to interpret the award as made and must guard against attempting to re-adjudicate on the merits or justification of a particular demand.

21. Shri Kanti Mehta for the unions, in his written statement dated 29th April 1959 and in his arguments before me has urged that under the directions of the Majumdar Award the prescribed rate of lead and lift was only basic rates and that dearness allowance was to be separately paid over the same at the rate of 150 per cent with effect from 26th May 1956 the date on which the Majumdar Award came into force. In support, he argued (1) that the Majumdar Tribunal has awarded the same and uniform rates of basic pay, dearness allowance, lead and life etc. for collieries in Orissa as for those in Bengal and Bihar, and that as the rate of lead and lift under the award is only basic rate for the purposes of dearness allowance, quarterly bonus and provident fund, as far as the collieries in Orissa are concerned, the rate of lead and lift as provided in the award is only basic pay and as such dearness allowance is separately payable on the lead and lift wages, even if the same was denied before the Majumdar Award (2) that it would lead to absurdity and would be against the language and spirit of the Majumdar Award to suggest that the provision of lead and lift in Bengal and

Bihar was to be considered as basic pay and in Orissa as consolidated one or to suggest something different from what is there in Bengal and Bihar since the whole award on 'lead and lift' for collieries in Orissa was based on the Conciliation Board's award and the provisions of the Coal Award in respect of Bengal and Bihar; (3) that it is inconceivable that the Tribunal intended to give for 'lead and lift' something less than the existing emoluments as the employers' interpretation seeks to suggest for the collieries in Orissa. In this connection, Shri Mehta has filed a statement showing what would be the position by way of difference in total emoluments on lead and lift if no dearness allowance is paid after the award. The statement is as follows:—

"Difference in total emoluments on 'lead and lift' if no dearness allowance is paid after the Award.

Lead	Basic	D.A.	Total	Basic Post award
	As.	As. P.	As.P.	
0 to 50'	1	1—6	2—6	-1/-plus 33-1/3%—1/4
50' to 100'	3	4—6	7—6	-3/-plus 33-1/3%—4/-
100' to 150'	5	7—6	12—6	-5/-plus 33-1/3%—6/8.
and so on.....				

The same applicable to lift rates."

I may make it clear that the chart filed by Shri Mehta refers to what was paid in Bengal and Bihar prior to Majumdar Award

22. In order to appreciate Shri Mehta's contention, it is necessary to state the scheme of dearness allowance prescribed by the Majumdar Award as modified by the decision of the Labour Appellate Tribunal. That Scheme of dearness allowance appears in the chart at Para 69 of the Labour Appellate Tribunal's decision. This scheme of dearness allowance is applicable not only to collieries in Bengal and Bihar and Madhya Pradesh but also to the collieries in Orissa, Hyderabad and Andhra Pradesh, as stated in para 256 of the Labour Appellate Tribunal's decision. Now under this scheme of dearness allowance the rate of dearness allowance is 150 per cent of the basic wage upto Rs 126 per day and the percentage rate goes down thereafter till the basic wage of Rs. 1-11-8 per day is reached, on which the dearness allowance at the rate of 100 per cent is also Rs 1-11-8. According to Shri Mehta the lead and lift wages should not be consolidated in basic wage which would if consolidated carry the rate of dearness allowance applicable to the consolidated amount of basic wages and lead and lift wages, but that the dearness allowance should be separately calculated on the basic earnings by way of lead and lift which would virtually mean that the loaders would be entitled to dearness at the rate of 150 per cent on the lead and lift wages

23. Shri F. Parekh and Shri K. P. Mookerjee, for the Hingir Rampur Coal Co. Ltd and Orient Colliery respectively, have relied on the directions contained in paragraph 190 and 193 of the Labour Appellate Tribunal's decision where the demand for treating lead and lift earnings separately from the normal basic wages for the purposes of dearness allowance was rejected and they have argued that that question cannot now be reopened in any proceedings under Section 36A of the Act. Shri Kanti Mehta, has, however, argued that the Labour Appellate Tribunal had not gone into the merits of the demand for treating lead and lift earnings separately for dearness allowance as it held that point had not been raised in the memoranda of appeals of the workmen and he has argued that the words "and we do not see any justification for it" appearing in para 193 of the Labour Appellate Tribunal's decision should not be deemed to be a rejection of the demand on its merits. There is no doubt that the Labour Appellate Tribunal did not entertain this claim in the appeals because it held that it had no jurisdiction to do so because none of the Unions had raised their claim in their Memoranda of appeals and there is nothing to show that the matter was discussed on its merits before it. The words, "we do not see any justification for it", can only mean that the Labour Appellate Tribunal saw no justification for allowing that point to be urged before it, the same not having been raised by the union in their memoranda of appeals. However, the fact that at least a Section of the workmen had in appeal urged that lead and lift should be treated separately from the normal basic wages of a worker for the purposes of calculating dearness allowance suggests that at least a section of the workmen understood that the Majumdar Award had not directed that lead and lift should be treated separately from the normal basic wages of a worker for the purposes of dearness allowance. Having regard to the direction, "the lead and lift wages have to be included in the wages of the workmen for the purposes of determining dearness allowance, provident fund etc." contained in para 506 of the Award, it is clear that the Majumdar Award had meant that lead and lift wages are to be consolidated into the basic wages for the purposes of calculating dearness allowance and are not to be treated as carrying a separate dearness allowance. If the lead and lift wages were to carry separate dearness allowance the words "included in the wages" would not have been used.

24. But the question referred for interpretation to this Tribunal is "whether the dearness allowance is payable on lead and lift wages in regard to the workmen employed in the collieries in Orissa."

25 For the employers it is argued particularly by Shri Parekh, that the Majumdar Award never intended at least for Orissa that lead and lift rates should be part of basic wages. He has in this connection referred to the observations of C P Fact Finding Committee report at para 30 of its report where it was directed that lead and lift rates should be treated as an allowance unlike the direction contained in the Conciliation Board Award applicable to Bengal and Bihar where the lead and lift allowance was to be treated as part of the basic wages. It is no doubt true that in the C P Fact Finding Committee's report lead and lift was not treated as part of basic wage but was to be treated as an allowance. But we are not concerned in this reference with what the C P Fact Finding Committee's report had recommended. In this reference what we have to consider is the directions of the Majumdar Award as applicable to collieries in Orissa and the question is whether dearness allowance is payable on lead and lift wages. In my opinion in this reference the point that has to be decided is in respect of the directions contained mainly in para 666 read with para 605 of the Award. In section V of the Majumdar Award which deal with the collieries in Orissa, at para 666 it is directed as follows—

"The basic rates for lead and lift will be the same that we have awarded for Bengal and Bihar"

Now, the directions with regard to the lead and lift in Bengal and Bihar as I have pointed out earlier are stated in para 605. I have already extracted that paragraph in full above. In my opinion the material part of that para for the purposes of the present reference is—

"The work load fixed by us does not take into account the fact of lead and lift. This had to be done and for this purpose the load and lift have to be included in the wages of the workmen for the purpose of determining dearness allowance, provident fund etc" (Underlining mine)

Now, these directions in my opinion also apply to the collieries in Orissa in terms of what is stated in para 666 of the Award. Therefore, even in Orissa the lead and lift earnings have to be included in the wages of the workmen for the purpose of determining the dearness allowance, provident fund etc. It is thus clear that even in Orissa the lead and lift earnings are not to be treated merely as an allowance. The words "basic rates" appearing in para 666 also make this abundantly clear. Shri Parekh has argued that lead and lift earnings are not to be part of basic wages because if it were so then it would *ipso facto* carry with it the benefit of provident fund and bonus and there was no need for making a separate demand that lead and lift earnings should be treated as basic wages for provident fund and bonus. Shri Parekh has argued that because the words 'basic rates' have been used in para 666 of the Majumdar Award whilst the words 'basic wages' have been used in para 605 of the award, it shows that the Tribunal meant that in Orissa the lead and lift earnings were to be treated as an allowance whilst in Bengal they were to be treated as basic wages. But it must be noticed that in para 605 the term 'allowance' has also been used and also the word

'rates'. In my opinion the fact that the words "basic wages" have been used in para 666 shows that the lead and lift earnings are to be treated as basic wages. In my opinion the Tribunal has directed even for the collieries in Orissa that the lead and lift earnings are to be treated as basic wages and to be consolidated in the basic wages for the purposes of dearness allowance. That this was so meant is clear from what the Labour Appellate Tribunal has stated in para 190 of its decision where it observed—

"The Tribunal has increased the preaward rates by 33 1/3 per cent and has directed that such payments shall be part of the basic pay and shall count for dearness allowance, provident fund and bonus"

This read together with the directions contained in para 256 of the said decision, make it quite clear that no difference was intended to be made in the matter of treating lead and lift earnings as basic wages in Bengal and Bihar and in Orissa and other States.

26 In my opinion, the Majumdar Award as modified by the Labour Appellate Tribunal decision did not mean to make any difference in the method of payment of dearness allowance on lead and lift payments as directed by it in Bengal and Bihar under para 605 and under para 666 for Orissa. The fundamental fact must be remembered that Majumdar Tribunal had by its award sought to bring about a uniformity in the wage structure in the collieries in all the States. This is clear from the observations contained in para 618 of the Award where the Tribunal has observed—

"The workmen do not want any distinction to be made between one State and another, though in the case of Assam they have pleaded for the retention of the existing differentials."

This was so because, as observed by it in para 619, it was fixing minimum wages for the lowest categories of workmen.

27. After an anxious consideration of the directions contained in the Majumdar Award and the decision of the Labour Appellate Tribunal and the submissions of the parties, I answer the reference as follows—

That dearness allowance is payable on lead and lift wages in regard to the workmen employed in the collieries in Orissa but the lead and lift wages are to be consolidated in the basic wages for the purpose of calculating the dearness allowance payable at rates prescribed by para 69 of the Labour Appellate Tribunal's decision.

28 I, therefore, give my decision as stated above and the same is submitted to Government.

SALIM M MERCHANT,  
Presiding Officer,

Central Government Industrial Tribunal Dhanbad

Dhanbad

14th November, 1959

P R NAYAR,  
Under Secretary.

